

54-4a-1. Establishment of division -- Functions.

(1) There is established within the Department of Commerce a Division of Public Utilities that may:

(a) commence original proceedings, file complaints, appear as a party, present factual information and evidence, examine witnesses, advocate policy recommendations, commence appeals, otherwise participate in proceedings before the Public Service Commission, and engage in all other activities consistent with its statutory responsibilities;

(b) commence original proceedings, file complaints, appear as a party, appeal, and otherwise represent the public interest in matters and proceedings involving regulation of a public utility pending before any officer, department, board, agency, commission, governmental authority, or court of Utah, of another state, or of the United States, and may intervene in, protest, resist, or advocate the granting, denial, or modification of any petition, application, complaint, or other proceeding, or any decision or order of any of those governmental authorities;

(c) investigate or study, upon complaint, upon order of the Public Service Commission, or upon its own initiative, any matter within the jurisdiction of the commission;

(d) conduct audits and inspections, or take enforcement actions regarding any matter within the jurisdiction of the commission in order to insure compliance with decisions, orders, and policies of the Public Service Commission, either upon order of the commission or upon its own initiative;

(e) require any person or entity subject to the jurisdiction of the Public Service Commission to:

(i) provide information, reports, and other data compilations relevant to matters within the jurisdiction of the commission;

(ii) provide access to inspect and copy records and other data compilations relevant to matters within the jurisdiction of the commission;

(iii) permit inspection of properties and tangible things used in providing public utility service; and

(iv) engage in other methods of discovery authorized by the commission;

(f) receive complaints from any person or entity regarding matters within jurisdiction of the Public Service Commission;

(g) review applications filed with the Public Service Commission and present recommendations to the commission on the disposition of those applications;

(h) make recommendations regarding public utility regulatory policy and long-range planning on matters within the jurisdiction of the Public Service Commission; and

(i) engage in settlement negotiations and make stipulations or agreements regarding matters within the jurisdiction of the Public Service Commission.

(2) (a) Any investigations, studies, audits, inspections, enforcement actions, or requests for discovery of information pursuant to Subsection (1)(c), (d), or (e), shall be preceded by reasonable advance notice to the person or entity against whom investigation, study, audit, inspection, enforcement, or discovery is sought.

(b) The targeted person or entity may require that a complaint or other formal proceeding be instituted with the Public Service Commission prior to the

commencement of the investigation, study, audit, inspection, enforcement, or discovery by the division pursuant to Subsection (1)(c), (d), or (e).

(3) Any settlements, stipulations, or other forms of compromise or agreement negotiated by the division shall be approved by the commission before becoming effective.

Amended by Chapter 225, 1989 General Session

54-4a-2. Director of division -- Appointment -- Authority and responsibility.

The director of the Division of Public Utilities shall be appointed by the executive director of the Department of Commerce and shall serve at the pleasure of the executive director. The director of the Division of Public Utilities is subject to the administrative authority of the executive director of the Department of Commerce and is responsible for the administration and supervision of the division. The director of the Division of Public Utilities shall have authority to adopt internal organizational measures to effectuate efficiency and economy in the management and operation of the division.

Amended by Chapter 225, 1989 General Session

54-4a-3. Budget of division -- Employment of personnel.

(1) The annual budget of the Division of Public Utilities shall provide sufficient funds for the division to hire, develop, and organize a technical and professional staff to perform the duties, powers, and responsibilities committed to it by statute.

(2) The division director may:

(a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law clerks, and other technical and professional experts as may be required;

(b) retain additional experts as required for a particular matter, but only to the extent that it is necessary to supplement division staff in order to fulfill its duties; and

(c) employ necessary administrative and support staff.

(3) (a) The Department of Human Resource Management shall determine pay schedules using standard techniques for determining compensation.

(b) The Department of Human Resource Management may make its compensation determinations based upon compensation common to utility companies throughout the United States.

Amended by Chapter 139, 2006 General Session

54-4a-4. Legal counsel.

The attorney general shall appoint sufficient full time legal counsel to assist, advise, and represent the division and its staff in the discharge of its duties and in all proceedings before the Public Service Commission, and in all other proceedings.

Enacted by Chapter 246, 1983 General Session

54-4a-5. Interests, relationships, and actions by employees prohibited.

No employee of the Division of Public Utilities shall, while so employed:

(1) have any pecuniary interest, whether as the holder of stock or other securities, or otherwise have any conflict of interest with any public utility or other entity subject to the jurisdiction of the commission;

(2) have any office, position, or relationship, or be engaged in any business or avocation which interferes or is incompatible with the effective and objective fulfillment of the duties of office or employment with the division;

(3) accept any gift, gratuity, emolument, or employment from any public utility or any other entity subject to the jurisdiction of the commission or from any officer, agent, or employee thereof; or

(4) solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person or entity to any office or employment with any public utility or other entity subject to the jurisdiction of the Public Service Commission.

Enacted by Chapter 246, 1983 General Session

54-4a-6. Objectives.

In the performance of the duties, powers, and responsibilities committed to it by law, the Division of Public Utilities shall act in the public interest in order to provide the Public Service Commission with objective and comprehensive information, evidence, and recommendations consistent with the following objectives:

(1) promote the safe, healthy, economic, efficient, and reliable operation of all public utilities and their services, instrumentalities, equipment, and facilities;

(2) provide for just, reasonable, and adequate rates, charges, classifications, rules, regulations, practices, and services of public utilities;

(3) make the regulatory process as simple and understandable as possible so that it is acceptable to the public; feasible, expeditious, and efficient to apply; and designed to minimize controversies over interpretation and application;

(4) for purposes of guiding the activities of the Division of Public Utilities, the phrase "just, reasonable, and adequate" encompasses, but is not limited to the following criteria:

(a) maintain the financial integrity of public utilities by assuring a sufficient and fair rate of return;

(b) promote efficient management and operation of public utilities;

(c) protect the long-range interest of consumers in obtaining continued quality and adequate levels of service at the lowest cost consistent with the other provisions of Subsection (4).

(d) provide for fair apportionment of the total cost of service among customer categories and individual customers and prevent undue discrimination in rate relationships;

(e) promote stability in rate levels for customers and revenue requirements for utilities from year to year; and

(f) protect against wasteful use of public utility services.

Enacted by Chapter 246, 1983 General Session